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8 Attorneys for the United States of America

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11 OAKLAND DIVISION

12 UNITED STATES OF AMERICA, } No. 4:06-70440-WDB

13 Plaintiff,

14 v.

15 GILBERT POLINA,

16 Defendant.

17
18 STIPULATION AND ORDER TO
19 RESCHEDULE ARRAIGNMENT
20 OR PRELIMINARY HEARING

21 The United States and the defendant, through their undersigned counsel, hereby
22 stipulate and agree to reschedule the arraignment or preliminary hearing in this case from
September 7, 2006 to October 9, 2006. The parties have agreed upon a resolution of
23 this case that will result in the misdemeanor tax charge. However, this tax charge
24 requires the approval of the Tax Division in the Department of Justice, and the
25 government needs additional time to complete the necessary paperwork and obtain
Department of Justice approval.

The defendant agrees to waive time for arraignment or preliminary hearing until
the new hearing date of October 9, 2006, and both parties agree to exclude time in the
interests of justice under the Speedy Trial Act for the period between September 7, 2006

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1 and October 19, 2006, pursuant to the provisions of 18 U.S.C. § 3161(b)(8)(A) and
2 (B)(iv).

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4 Respectfully submitted,

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6 Dated: 9/6/06

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9 CAMELLIA BRAY, ESO
10 Attorney for Gilbert Polina

11 Dated: 9/6/06

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13 GEORGE L. BEVAN JR.
14 United States Attorney

15 ORDER RESCHEDULING; ARRAIGNMENT or PRELIMINARY HEARING

16 Upon the foregoing stipulation of the parties, and good cause therefor, IT IS
17 HEREBY ORDERED that the arraignment or preliminary hearing in this case is
18 rescheduled from September 7, 2006 to October 19, 2006, at 10:00 a.m., before
19 Magistrate Judge Wayne D. Brazil in Oakland.

20 The Court finds that time will be excluded for that period, in the interests of
21 justice, for purposes of the Speedy Trial Act.

22 Dated: September 6, 2006

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25 JOINT APPLICATION TO
26 RESCHEDULE SENTENCING DATE

